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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on January 7, 2004

Date of Deposit

David W. Okey

Name of applicant, assignee or
Registered Representative,

Signature

JAN 7, 2004

Date of Signature

Our Case No. 5658-746

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Poole et al.

Serial No.: 09/911,242

Filing Date: July 23, 2001

For : One Hand Pipe Wrench

Examiner: Debra S. Meislin

Group Art Unit: 3723

Declaration under 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. My name is Matthew Garrett. I am over eighteen years of age. I live at 8909 Windblown Court, Huntersville, North Carolina. I received a bachelor's degree in Business Management in 1995 from Purdue University. I am employed by Irwin Industrial Tool Company as a senior product manager. My duties include the general management of the locking pliers and pipe wrench product lines in North America, including the one hand pipe

wrench. My general management responsibilities include sales, marketing, new product development and general product line management.

2. I have examined the application and claims, including the drawings, of the present patent application for a one hand pipe wrench. Irwin Industrial Tool Company now sells one hand pipe wrenches that are covered by the claims of the application. The wrench is known in the U.S. as Model 274001. The same wrench is sold internationally as Model 274001REC. The wrench is illustrated in the Photo at Appendix A.


3. U.S. sales of this wrench began in October, 2003, to retail outlets of Lowes home improvement stores and Sears retail stores. The wrench is also available over the Internet through Amazon.com. In addition to retail sales, the wrench is available through a variety of wholesale and industrial outlets, including plumbing supply stores, and automotive distribution stores. Advertising for the product has been robust including nearly \$1M in commercialization and rollout expenses in the fourth quarter (Oct-Dec) 2003. In the three months of October-December, 2003, we have sold approximately 100,000 wrenches, or a rate of about 30,000 to 35,000 per month. The rate is presently at about 35,000 wrenches per month. During this period, the Lowes chain sold approximately 1000 units per week before running out of stock.

4. Based on these sales, we expect to sell at least 360,000 wrenches in 2004. We have also begun shipments of approximately 10,000 wrenches to Europe. We are seeking patent protection in Germany and in numerous countries through the world, including Brazil, Canada, China, India, Japan, and South Korea. This product and U.S. patent protection are very important to Irwin Industrial Tool Company.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

 1/5/04
Matthew Garrett